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September 28, 2011

BY FAX AND ECF

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

> Re: Re: State of New York v. Army Corps of Engineers et al., No. 11-cv-2599 (NGG) (CLP); Delaware Riverkeeper Network et al. v. Army Corps of Engineers et al., No. 11-cv-3780 (NGG) (CLP); Damascus Citizens for Sustainability, Inc. v. Army Corps of Engineers et al., No. 11-cv-3857 (NGG) (CLP)

Dear Judge Garaufis:

On behalf of Putative Defendant-Intervenors American Petroleum Institute, Independent Petroleum Association of America, and US Oil & Gas Association ("Associations"), we write with respect to the Associations' anticipated reply memoranda of law in support of their motions to intervene in each of the three above-captioned actions. On reply, the Associations intend to address a number of arguments pressed by some or all of the parties opposing the Associations' application. Rather than submitting three separate briefs of up to ten pages, which appears to be permissible under Your Honor's Individual Rules and contemplated by the stipulated scheduling order, so ordered on August 12, 2011, for purposes of efficiency and to reduce any burden on the Court, the Associations propose to submit a single brief of up to 20 pages.

Prior to submitting this letter, the Associations received consent for this proposal from counsel to each party in these actions.

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We are available at the Court's convenience should Your Honor have any questions.

Respectfully Submitted,

Samuel B. Boxerman

SBB: